IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12038 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAFULBHAI JAYANTILAL SHAH PROPRIETOR OF -
Versus
DISTRICT COLLECTOR SURENDRANAGAR

Appearance:
1. Special Civil Application No. 12038 of 2002
MR RC JANI for Petitioner No. 1
MS SB TRIVEDI, Ld. AGP for Respondents
..... for Respondent No. 2-3

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 20/12/2002

ORAL JUDGEMENT

Rule. Ms.S.B.Trivedi, Ld.AGP appears and waives

service of rule on behalf of respondents. With the consent of parties matter is taken up for final hearing today.

2. Mr.Jani, Ld.counsel for petitioner as well as Ld.AGP both agree on the point that the issues involved in this matter are covered by the decision of this court in Spl.C.A.No.7190/02 and allied matters decided on 28/11/02 - 4/12/2002.

3. Therefore the rights of the parties shall be governed accordingly. Since the petitioner was holding valid licence and inspite of the same the decision is taken for cancellation of licence on account of instructions, the impugned order for cancellation of licence is quashed and the petitioner shall be entitled to work as wholesale dealer of kerosene upto the period of validity of licence prior to its cancellation. The petition is allowed accordingly to the aforesaid extent. Rule is partly made absolute. There shall be no order as to costs.

20.12.2002 (Jayant Patel,J)

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